

## **Introduction**

This report is prepared in response to the Synar requirements in the Substance Abuse and Prevention (SAPT) Block Grant, Goal 8 and Attachment G. The SAPT Block Grant is administered by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). The Synar requirements are enforced by SAMHSA's Center for Substance Abuse Prevention (CSAP).

This report presents information on activities conducted in calendar year 2002 for the 2003 SAPT Block Grant Application. It is organized by question contained in the Synar reporting instructions and is presented in the same order as the questions appear in the instructions. Following each question is a response to the individual items contained in the question.

SAPT block grant funds are contingent upon the presence of state laws that forbid any manufacturer, retailer, or distributor of tobacco products to sell tobacco products to any individual under the age of eighteen. Also, these laws must be enforced in such a manner as to reasonably be expected to reduce the extent that tobacco products are available to minors. Synar requirements call for the state to conduct inspections of retail tobacco outlets to determine if youth under the age of 18 are able to purchase tobacco products. Nevada is required to maintain a buy rate of 20 percent or less with a confidence interval of  $\pm 3$  percentage points. For 2002, the final weighted non-compliance rate presented in the report is 18.3%, which is less than the target value of 20.00%.

## TABLE OF CONTENTS

<b>Introduction</b> .....	<b>Page</b> i
<b>Table of Contents</b> .....	ii
<b>Section I (FFY 2002 Compliance Progress)</b> .....	1
<b>Responses to:</b>	
Question 1 .....	1
Question 2 .....	1
Question 3 .....	1
Question 4 .....	2
Question 5 .....	3
Question 6 .....	7
Question 7 .....	12
Question 8 .....	13
<b>Section II (FFY 2003 Intended use)</b> .....	15
<b>Appendices</b>	
Appendix A:     Synar Forms for 2002 Synar Study (G1, G2, & G3) .....	17
Appendix B:     Ineligible Establishments (FFY 2002 Synar Study) .....	21
Appendix C:     Methodology for Calculating Minimum Adequate Sample and Size and Confidence Interval; Confidence Interval Calculation; Raw Calculations for Design Effect; and Probability Proportional to Size Worksheet .....	27

## **State Law Regarding Sale of Tobacco Products to Individuals Under Age of 18 (Section 1926):**

An agreement to continue to have in effect a State law that makes it unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18; and, to enforce such laws in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under age 18 (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

## **SECTION I**

### **FFY 2002 (Compliance Progress):**

42 U.S.C. 300x-26 of the Public Health Service Act requires certain information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Describe any changes or additions to the State tobacco statute relating to 42 U.S.C. 300x-26 since the last application. Attach a photocopy of the changes and describe the impact they will have on enforcement of State tobacco law(s).**

There have been no changes made in State tobacco legislation for the Compliance federal fiscal year, nor were any changes made during the previous federal fiscal year. The Nevada Legislature was not in session during FFY 2002, therefore no new tobacco legislation has been introduced.

- 2. Describe how the annual report required under 45 C.F.R. 96.130(e) was made public within the State, along with the State Plan as provided in 42 U.S.C. 300x-51.**

The annual report was presented in a hearing on September 20, 2002. Advanced notice of this hearing was placed in various newspapers around the state. Notice of the hearing was also placed in at least four public places as per the Nevada Administrative Procedures Act. The report was sent to members of the Bureau of Alcohol and Drug Abuse Advisory Committee in advance of the September 20, 2002 meeting and was placed on the Bureau's web site at: <http://health2k.state.nv.us/BADA/>.

- 3. Identify the agency or agencies designated by the Governor for the implementation of the requirements. Identify the State agency responsible for conducting random, unannounced inspections. Identify the State and/or local agency or agencies that are responsible for enforcing the tobacco access law(s) (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).**

The Nevada Department of Human Resources, State Health Division, Bureau of Alcohol and Drug Abuse (BADA), is ultimately responsible for the implementation of the requirements specified by the Synar legislation. The Attorney General's Office is responsible for the enforcement of State tobacco laws governing the sale of tobacco to minors and conducting

random unannounced inspections. Local law enforcement agencies have concurrent authority over the sale of tobacco to minors.

**4. Describe briefly the coordination and collaboration that occurs between your State's Tobacco and Health Office (Association of State and Territorial Health Officials) and Single State Authority for Substance Abuse (NASADAD). Discuss how State efforts to reduce youth access to tobacco relate to other tobacco control and prevention initiatives in your State.**

As stated above, BADA is responsible for the implementation of the Synar regulations in partnership with the Attorney General's Office. BADA is the Single State Agency for the SAPT Block Grant; consequently, there is a great deal of coordination and collaboration between the Bureau and the primary prevention programs funded by the Bureau. Additionally, BADA works closely with the Tobacco Control Project. This project is housed in the State Health Division as is BADA. The goals of the Tobacco Control Project are to: prevent the initiation of tobacco use among young people; promote quitting among young people and adults; eliminate nonsmokers' exposure to environmental tobacco smoke; and to identify and eliminate the disparities related to tobacco use and its effects among different population groups.

BADA has recently filled a new staff position, a Health Information and Education Officer. This person will work to improve the coordination of activities regarding youth accessibility to tobacco products and to reduce the overall prevalence of smoking among Nevada residents. A plan for better integration of tobacco issues with substance abuse will be developed.

BADA is also a member of the Nevada Tobacco Prevention Coalition (NTPC) having joined the coalition in 2001. NTPC is a coalition of agencies and individuals determined to fight the high prevalence of tobacco use in Nevada. NTPC is committed to influencing Nevada's decision makers and raising awareness with Nevada citizens on numerous issues of tobacco use and industry marketing. This coalition is also actively involved in coordinating prevention activities with state and community agencies, hospitals, schools, and community-based organizations. They believe that a focus on youth and a tobacco free environment will produce a healthier Nevada.

Four major programs were established by the State of Nevada with the tobacco settlement money. First, the Millennium Scholarship provides tuition assistance to Nevada youth who maintain a "B" average throughout high school. Second, the prescription insurance plan subsidizes prescription costs of senior citizens living below a certain income level. Third, 10% of the tobacco settlement money was allocated to a public health trust fund to promote public health and programs for disease or illness prevention, research issues related to public health, and provide direct health care services to children and senior citizens. Finally, the *Task Force for The Fund for a Healthy Nevada* was established to: solicit public input; establish a process to evaluate health needs; ensure that tobacco cessation programs are funded; ensure that programs for children, people with disability, and senior citizens are funded; ensure that tobacco settlement money is not used to supplant existing methods of

funding; and to develop policies for distribution of grants. BADA received funds through *The Fund for a Healthy Nevada* to implement environmental approaches to tobacco prevention that local coalitions can adapt to meet the needs of their specific communities. The goal of this project is to impact policies, community norms, and media advertising of tobacco in order to prevent youth access and exposure to tobacco. This program will utilize existing youth organizations such as *Stand Tall Don't Fall*, and will organize new or existing community youth organizations in local communities. In order to accomplish this goal, the coalitions will implement one or more of the six prevention approaches recommended by SAMHSA's PEPS Guide (Prevention Enhancement Protocol System). This program encompasses all northern and rural/frontier Nevada communities. The coalitions will work with local youth groups to plan, organize, monitor, and evaluate prevention approaches implemented in the community. Through these funds, eight rural coalitions collectively received \$400,000 of tobacco settlement money (for SFY2003 & 2004; \$200,000 / year) to develop environmental prevention strategies addressing tobacco usage. Eleven treatment providers were also collectively awarded \$4,397,486 for cessation programs to be awarded over a four-year period (for SFY 2001 through SFY 2004).

**5. In 2-3 pages, list and describe all the State's activities to enforce the State youth access to tobacco law(s) in FFY 2002. Such activities may include statewide and/or targeted enforcement activities.**

- **If enforcement of youth access laws is carried out by local law enforcement agencies, provide a detailed summary of local enforcement activities to verify the enforcement is taking place.**

Local law enforcement agencies in Nevada do not carry out unannounced compliance checks to enforce youth access laws to tobacco products.

- **Include an estimate of the number and types of penalties that were imposed for violation of access laws and policies, and whether these penalties were assessed against owners, clerks, or youth. Examples of penalties include citations, warning letters, public listing of violators, etc.**

A total of 716 enforcement compliance checks were conducted from January 1, 2002 through May 2002 that are not included in the 839 Synar checks. The Attorney General's Office combines Synar inspections with enforcement. Two hundred and fifty-four (254) citations were issued during the 1,555<sup>1</sup> compliance checks conducted from January 2002 through May 2002. Out of 1,602 eligible facilities, 47 compliance checks were not completed because: (1) unsatisfactory conditions (N=11); (2) temporarily closed (N=30); (3) vending machine malfunction (N=4); or unable to locate (N=2). All citations were issued to the person who made the sale of tobacco to the under age youth. They are all misdemeanor criminal charges.

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<sup>1</sup> The Attorney General's Office conducted 1,555 compliance checks from January through May of 2001 (1,602 – 47 non-completed inspections = 1,555).

- **Provide a summary of the final disposition of citations. Example(s) of final disposition include fines that were assessed and collected, licenses that were suspended or revoked, dismissals, etc.**

The Nevada Attorney General's Office is the agency involved in enforcement activities. The staff devoted to this activity include the Tobacco Chief Counsel (one-half time), two investigators (each full time), one management assistant, and eight youths (each part time). The Attorney General's Office conducts uniform compliance checks at all tobacco outlets across the State of Nevada. This uniformity assures that all businesses are treated in an equitable manner. The practice of inspecting every outlet in Nevada ensures that all youth, statewide, benefit from the program. This practice also assures that no outlet or group of outlets perceives they are being targeted. The program is strongly supported by the retail community and public in general.

The dispositions of the 254 citations included 97 fines and 75 deferred fines and 47 dismissed (Table 1). Fines were deferred on condition they not commit a similar offense in the next 60 to 120 days. No outlets had their permits/licenses suspended or revoked. The results of 19 dispositions were not reported to the Attorney General's Office.

**Table 1**  
**Disposition Breakdown of the 254 Citations Issued by the Attorney**  
**General's Office**

<b>Range of Fine</b>	<b>Number of Defendants Receiving Fines</b>	<b>Percent of Defendants Receiving Fines</b>
Over \$300	41	16.2%
\$200-299	10	3.9%
\$100-199	37	14.6%
\$1-99	9	3.5%
Deferred Fine	75	29.5%
Dismissed	47	18.5%
Community Service (17 Hours)	1	.4%
Warrant Issued	12	4.7%
Warrant Issued and Recalled	3	1.2%
Dispositions not reported to the Attorney General's Office	19	7.5%
<b>Total</b>	<b>254</b>	<b>100.0%</b>

Unless the merchant (store owner) actually made the illegal sale of tobacco products, all of the above fines were issued to the retail clerks who made the sale, and fines were not imposed on merchants. The Attorney General's Office is

reviewing in what situations merchants should be charged in addition to the sales clerk involved.

All 254 violators were given the right to appear in the local justice court; warrants were issued for those who did not appear. One individual was directed to do 17 hours of community service, and three individuals attended the "WE CARD" program (on-line) in addition to paying fines.

Generally, the Attorney General does not issue warning letters to any over the counter outlets. If the supervising investigator, in her discretion, decides not to issue a citation to the sales clerk at the time of the compliance check, she sends an e-mail describing the reason(s) for her decisions. In those cases, a letter is sent to the outlet describing that tobacco was sold and a citation was not issued. Fifteen of these warnings were issued through June of FFY 2002.

A total of eleven (11) warning letters were mailed to businesses where vending machines were checked (Table 2). This letter asks the business to move the machine to an adult only area. This strategy is used at this time because the Attorney General's Office has been successful in persuading businesses to move vending machines to areas not accessible to under age youths. This strategy continues to be successful. The Attorney General plans to introduce legislation to the 2003 legislature that would ban cigarette vending machines except in adults-only locations.

The Attorney General's Office mailed 1,269 congratulatory letters, as well as 254 letters notifying facility owners that an illegal sale occurred at their business and that a citation was issued (Table 2). These letters were sent with a copy of the compliance check report completed by the Attorney General's Office investigator at the time of the compliance check.

**Table 2**  
**Follow-up Letters Sent After Compliance Checks (for all inspections conducted by the Attorney General's Office from January 1, 2002 through May 2002).**

	No Sale/Sale	Numbers	Type of Letter
<b>Over-the-counter Establishments</b>			
	No Sale	1,269	Congratulatory
	Sale	254	Citation
	Sale	15	Warning
<b>Vending Machines</b>			
	No Sale	6	Congratulatory
	Sale	10	Warning
	Malfunction	1	Warning
<b>Total</b>		<b>1,555</b>	

Names of violators were not released to the public. The names of violators, either the clerk or the store, are available upon request under the public records requirements of Nevada law. The 7-Eleven Corporation made such a public records request and the Attorney General has responded to that request by providing a list of all 7-Eleven Stores in Nevada that sold or did not sell tobacco to youth since January 2002.

- **Describe additional activities conducted to support enforcement and compliance with State tobacco access law(s). Additional activities may include merchant education, community education, media use, and community mobilization by statewide and/or local community-based coalitions and/or other State agencies.**

Nevada statute requires that a written report of each compliance check be mailed to every outlet after the check is completed. A flyer promoting the WE CARD teleconferenced training session was included in the reports mailed before the May 2002, training (described below). In addition, the cover letter that accompanies every report encourages on-going training and includes the toll free telephone number for the WE CARD program. In June 2002, the Attorney General's Office mailed a one page, two-sided flyer that describes Nevada law prohibiting the sale of tobacco to minors. This letter encouraged businesses to copy the flyer for distribution to all sales staff. Finally, the stores that sell tobacco to the under age youth are sent a copy of the booklet, "Guide to Best Practices," published by the WE CARD program.

In January 2002, the Attorney General's Office served a subpoena upon *Cigarettes Cheaper* requiring them to produce all training records for a particular sales clerk who pleaded not guilty to a charge of illegal sales of tobacco. In responding to that subpoena, the Attorney General's Office learned that *Cigarettes Cheaper* trains their clerks after they start work and does not provide refresher training. In a letter, the Attorney General's Office asked them to review this practice and train more often. *Cigarettes Cheaper* did not respond to the letter.

### **Merchant Education**

In May 2002, the WE CARD program conducted a training program that was teleconferenced to seven sites in Nevada. Over 125 sales staff, store owners, and managers attended the training. The training was promoted with a mailing to all tobacco outlets in Nevada informing them of the training and saying that it was co-sponsored by the Attorney General. In addition, each citation issued was accompanied by a flyer describing the "WE CARD" training program and the sales staff was encouraged to attend. Furthermore, the same flyer was included with the compliance check report that was mailed to each outlet. The Attorney General's Office also mailed several copies of the flyer to all Nevada justices of the peace (JPs); these are the judges who hear the cases of illegal sale of tobacco



to minors. The JPs were asked to order the clerks to attend the training as a component of the defendant's sentence. John Albrecht, Chief Tobacco Counsel, attended the training session and answered questions regarding the Attorney General's Office enforcement program.

### **Community Education**

An owner of a 7-Eleven store, who was encouraged to ask questions, accompanied an Attorney General's investigator and youth while conducting compliance checks in Las Vegas. The owner observed, first hand, compliance check procedures and was permitted to stand next to the youth during the purchase attempt. This particular store owner wrote e-mails to all 7-Eleven owners in the Las Vegas area describing these procedures and affirming the fairness of these compliance checks. Similarly, other retail and tobacco industry representatives have been invited to accompany the Attorney General's investigators and youths on compliance checks.

### **Media Use**

The Attorney General's Office produced two public service announcements for Nevada public television stations. One has been broadcasted three times per week since May, 2002 (Northern Nevada Public TV station). These public service announcements (PSA's) describe the retail tobacco enforcement program and encourage the public to thank sales clerks they observe checking the identification of younger looking customers. Nevada's two public television stations received a five million dollar grant (from tobacco settlement proceeds) to purchase digital equipment, and as a condition for receiving these funds, these PSA's are aired at no charge.

The Attorney General's Office has written two guest editorials published in the Reno Gazette Journal (second largest newspaper in the state) describing the enforcement activities of the Attorney General's Office.

6. **In 2-3 pages, describe the sampling methodology used by the State to conduct random, unannounced inspections. Include in the description the following information:**

#### **Sampling design and methodology**

**Did the sampling methodology change from the previous year? If so, indicate the following.**

No, the same methodology, approved for the FFY 2002 report, was used for the FFY 2003 report.

Describe the source(s) and quality of the sampling frame.

- **The date when the sampling frame was last updated:**

The sampling frame used for the Synar study is a running list that is continually updated by the Attorney General's Office. The FFY 2003 Synar sample was drawn in January 2002 from the most current version of the list.

- **Procedures used to insure that the addresses of tobacco outlets on the sampling frame are accurate:**

The Attorney General's Office uses a *list-assisted* sampling frame that is continually updated. While conducting inspections, inspectors check new establishments and gather pertinent information for addition to the database. A new Synar Database has been developed that allows for better tracking of facilities selling tobacco products, inspection information, and the compliance history of individual retail outlets.

- **The criteria used to determine accessibility of outlets to youths:**

Youths under the age of 21 are prohibited from loitering in gaming areas, taverns, and brothels by Nevada law. Vending machines or over the counter outlets located in these areas are considered inaccessible and not inspected.

- **The methods used to verify that outlets identified on the sampling frame actually do sell tobacco:**

Every outlet, selling tobacco product and accessible to youth, is inspected twice a year, and all new outlets identified by inspectors are also inspected. Inspector's record outlets that are in the sampling frame and do not sell tobacco products; the Synar database is then updated accordingly.

- **The methods used to locate tobacco outlets that were not on the sampling frame:**

Please see the information presented above.

- **The accuracy of the frame: the percentage of the sampling frame that included outlets that actually sell tobacco and had accurate addresses:**

Out of the original 875 establishments selected in the original sample, 77 of these establishments were ineligible or non-completed (Table 5). Therefore 91% of the inspected outlets did sell tobacco products  $((1-(77/875)) \times 100 = 91\%)$ .

- **The coverage of the frame: the percentage of all tobacco outlets in the State that were actually included on the sampling frame:**

Based on the original sample size of 875, ineligible and non-completed inspections of 77, and the number of newly identified establishments of 41, the percent coverage of all tobacco outlets that were included in the sampling frame is 95%  $((1-(41/(875-77))) \times 100 = 95\%)$ .

**Describe the random selection process.**

- **The geographic unit used for sampling:**

All stores were sorted by stratum and random samples were then drawn from each stratum until the sample size required was met. Zip codes, proportional to size weighing needs, were randomly selected until the minimal number of establishments for each stratum was selected. All known retail outlets, accessible to youth, that engage in the sale of tobacco products were inspected for each selected zip code.

▪ **The procedures used for selecting the sample of geographic sampling units:**

The sampling methodology used was not a simple randomized sample but a more complex stratified sample. Zip codes to be surveyed in each stratum were randomly selected, and included enough zip codes to provide a total sample number that was at least equal to the minimum adequate sample size.

▪ **The method used for selecting outlets from within each sample geographic sampling unit:**

All retail outlets in selected geographic units were inspected.

▪ **The original sample size, minimum number of required inspections, and final sample size; and explain how they were determined:**

For calculations of minimum required sample size, please refer to appendix C.

Data from the previous year's Synar study was used to determine the minimum adequate sample size for the 2002 study. The noncompliance rate used for the estimation was 21.24%; this is the fail rate for the previous year. The outlet population size (N) was obtained from the facility list provided by the Attorney General's Office. The raw N of 1,973 was further adjusted to 1,920 using previous years data on ineligible outlets (Table 3). The standard error was solved for 1.30% so that the two-sided 95% Confidence Interval (C.I.) would be at 2.55% if it were a simple random sample.

**Table 3**  
**An Estimation of Outlet Population Per Strata**

<b>Stratum</b>	<b>Stratum Size</b>	<b>Eligibility Rate</b>	<b>Adj. Stratum Size</b>	<b>% Of Population</b>
Group 1	732	96.71%	708	36.87%
Group 2	730	105.10%	767	39.95%
Group 3	511	87.10%	445	23.18%
TOTAL	1,973	N/A	1920	100%

Based on the previous year's design effect of 1.85 and the square of that being 1.36, the C.I. should be within 3% ( $2.21\% \times 1.36$ ) if the sample size is 774 or larger. In order to assure that the sample was within the desired C.I. limitations, it was decided to draw a

sample of 850. It is important to clarify that the minimum sample size is 774, but the desired sample size in Nevada for 2002 was 850. It was reasonable to assume the final sample will be very close to 850 because the ineligibility rates used for estimating sample size required in 2002 are based on last years ineligibility ratios.

These stores were divided among the three stratum based on the stratum size. Once the desired sample size for each stratum was calculated, the required number of stores per stratum were determined using the inspection ratios from the previous year. Zip codes were randomly selected from each stratum until at least 850 facilities were drawn (Table 4). The actual sample size drawn for 2002 was 875.

**Table 4**  
**Calculation of Desired Stratum Sample Size**

Stratum	Sample Size	Observation Rate	Adj. Sample Size
Group 1	311	94.41%	329
Group 2	344	104.73%	328
Group 3	195	84.95%	230
TOTAL	850	N/A	887

### **Random Selection**

All outlets within each stratum were numbered; this number was then multiplied by a random number of 0 to 1. Finally, the number "1" was added to each number to provide equal probability of drawing the highest and lowest number of each stratum. The resulting numbers were then rounded to the nearest whole number. These numbers were then used to draw random samples from each stratum.

- **If applicable, explain the difference between the original sample size and the final sample size; and indicate whether the final sample is representative of the distribution of tobacco outlets in the State.**

All eligible sites were inspected except for the three sites that were deemed unsafe for minors, ten sites that were temporarily closed, and three vending machines that malfunctioned (Table 5). If all 16 of these sites had been inspected, and in a worst-case scenario all had violations, the unweighted violation rate would be 18.2%. This would be an increase of only 0.8%. Based on the unweighted noncompliance rate, only three of these non-completed inspections would be expected to have violations.

- **Describe how replacement outlets and non-completed inspections were handled. Provide a complete tally of non-completed inspections that include:**

For a complete list of ineligible establishments see Appendix B.

As mentioned above, facilities were over-sampled to avoid the need for replacement outlets in the study. There were, however, 41 newly discovered

outlets within the selected zip codes that were added to the Synar study.

- **The number of inspections that were not completed because the outlets were ineligible, and the number of eligible but non-completed inspections:**  
Sixty-one (61) establishments in the original sample were found ineligible for various reasons (Table 5). Three (3) establishments were not inspected because unsatisfactory conditions existed, ten (10) establishments were not inspected because they were temporarily closed, and three (3) vending machines malfunctioned during the inspection. Forty-one new establishments were identified during the course of inspections, therefore, a total of 839 sites were checked out of 855 eligible sites ( $875 - 61 - 16 + 41 = 839$ ). The following table summarizes the various reasons that sample sites were not inspected or found ineligible.

**Table 5**  
**Non-completed Inspections**

<b>Reason for Non-completion</b>	<b>Numbers of Non-completed Inspections</b>	<b>Percentage of total Non-completed Inspections</b>
<b>Eligible Outlets</b>		
Temporarily closed	10	13.0%
Unsatisfactory conditions	3	3.9%
Vending machine malfunction	3	3.9%
<b>Total Eligible Outlets</b>	<b>16</b>	<b>20.8%</b>
<b>Ineligible Outlets</b>		
Does not sell tobacco	12	15.6%
Inaccessible to youth	26	33.7%
Out of business	23	29.9%
<b>Total Ineligible Outlets</b>	<b>61</b>	<b>79.2 %</b>
<b>Total Non-completed Inspections</b>	<b>77</b>	<b>100%</b>

- **The number of eligible but non-completed inspections:**  
Please refer to Table 5.
- **Vending Machines**  
As previously stated, establishments where youth are prevented from loitering such as gaming areas, taverns, or brothels are not inspected. Synar inspectors require that vending machines, in taverns, be located at least 25 feet inside the entrance to the establishment. Through experience, these inspectors know what types of facilities install vending machines for tobacco products, therefore, they add newly identified establishments to the master list continually. This is the same procedure used to identify new over-the-counter establishments. Although

the buy rate from machines may be much higher than over-the-counter sales, the percentage of total purchases by minors is very low in Nevada.

Vending machine locations were identified separately from over-the-counter outlets on the sampling frame list. All vending machines as well as over-the-counter establishments were inspected for each selected zip code. These vending machine locations were selected using the same methodology, and at the same time, as over-the-counter establishments. Nine vending machines were inspected and 830 over-the-counter sites were inspected. This is a ratio of one vending machine to 92 over-the-counter outlets.

**7. In 3-5 pages, report the complete results of the inspections conducted for the Synar survey during the FFY 2001. Report the unweighted and weighted retailer violation rates, including the corresponding standard error, and the confidence interval for the weighted reported retailer violation rate. Provide all supporting tables, formulas, and values used to calculate the final weighted retailer violation rate.**

The final weighted retailer violation rate for the FFY 2002 study was 18.3% with a 95% confidence interval of  $\pm 2.55$  percentage points, and a standard error of 1.30.

Every store was given a unique identifier and considered separately during the selection process within each stratum. Once a store was selected, all stores in that zip code were placed in the sample. Clusters were selected with probability proportional to size. In order to account for this effect, a weight inversely proportional to the probability of the cluster being selected was used in conjunction with rate of inspections (Appendix C). For the calculations of unweighted and weighted violation rates and the weighted violation rate confidence interval please see Appendix A.

The original estimate of total outlet population accessible to youth was 1,973 individual sites. This estimate was adjusted to 1,920 utilizing FFY 2002 eligibility rates. An initial stratified sample was drawn of 875 with a final number of eligible outlets within the sample being 839. This sample included 41 new establishments identified during the course of the project, and excluded 16 non-completed inspections and 61 ineligible establishments ( $875 + 41 - 16 - 61 = 839$ ); all 839 outlets were inspected. Therefore 839 facilities were inspected out of 855 eligible facilities.

Group 1 consisted of zip codes that contained more than 60 establishments and had an unweighted buy rate was 19.9%. Group 2 was comprised of zip codes with 20 to 60 identified establishments and had an unweighted buy rate was 15.7%. Group 3 contained zip codes with 1 to 19 stores and had unweighted buy rate was 16.1%. The total weighted noncompliance rate for the State was 18.2% with an unweighted buy rate of 18.3% (Table 6 and Appendix A, Form G2). The confidence interval for the weighted retailer violation rate is  $\pm 2.55\%$ .

- Refer to Appendix A for the completed Form G1.

- Refer to Appendix A for the completed Form G2.
- Refer to Appendix A for the completed Form G3.

**Table 6**  
**Weighted and Unweighted Noncompliance Rates**

<b>Group/Stratum</b>	<b>Outlets Inspected</b>	<b>Outlets in Violation</b>	<b>Unweighted Noncompliance</b>	<b>Weighted Noncompliance</b>
1	321	64	19.9%	7.05%
2	332	52	15.7%	5.70%
3	186	30	16.1%	5.51%
<b>Total</b>	<b>839</b>	<b>146</b>	<b>17.4%</b>	<b>18.26%</b>

**8. Describe the protocol for conducting random, unannounced inspections. Ensure the following specific items are addressed in your description.**

- **Have any changes been made in the inspection protocol from the previous year?**

No changes in inspection protocol have been made from previous years.

- **Indicate the start and end dates of the Synar inspections conducted during the current reporting period and whether the dates are different from previous years.**

Synar inspections were conducted by the Attorney General's Office between January 1 and May 31, 2002.

- **Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.**

The Attorney General employs eight youth inspectors (four in southern Nevada and four in northern Nevada). They are recruited through various means including high school counselors, law enforcement scouting groups, and churches. Only eight may be employed at one time.

The Attorney General employs two full time investigators who supervise these youth in conducting the inspections. The investigators are Nevada POST certified law enforcement officers. The Attorney General advertises in newspapers with general circulation and receives applications from interested persons. The interviews are conducted by the Attorney General's Investigations Division's Chief and the Chief Tobacco Counsel for the Attorney General's Office. A complete criminal background check of the candidate offered the position is conducted.

Prospective teens are first told how compliance checks are conducted and then questioned to assure that they understand the protocol. The youth then accompanies a current employee for up to four hours. During these four hours, the trainee and an experienced youth go into outlets accompanied by an adult

investigator. The trainee observes, first hand, the purchase attempts made by the experienced teen.

- **Describe the inspection methodology used. (e.g., consummated or unconsummated buys, instructions for carrying and showing identification, team composition and whether an adult monitor enters the outlet with the youth inspector, time of day inspections are conducted, compensation for the minors, data collection procedures, etc).**

A youth enters the store immediately after or before the adult supervisor, and attempts to purchase a tobacco product such as cigarettes or smokeless tobacco. Generally, females do not attempt to purchase smokeless tobacco. If the clerk asks for photo identification, the youth presents his or her own drivers license or instructional permit. The drivers license indicates the true age of the teen and says in the upper right hand corner, MINOR DRIVER UNDER 18. If the minor does not have a drivers license or instructional permit, he or she tells the clerk that they do not have photo identification with them. If the clerk asks how old he or she is, the teen tells the truth. If the youth is sold tobacco, he/she leaves the store and the investigator returns and issues a citation to the sales staff. The tobacco purchased is held as evidence. Within a reasonable time period, the Attorney General's Office mails a letter to every store that was inspected reporting the results of the inspections. The officer accompanying the minor completes and issues the citation, but the youth fills out the evidence bag with the pertinent information. In one case, the youth explained to the justice of the peace that she knew the cigarettes displayed were the ones sold to her because she had entered the information on the evidence bag herself.

Whenever possible, youth inspectors do not enter outlets alone, but are accompanied by an adult supervisor. If the outlet is so small that the investigator would, in effect, disclose the fact a compliance check is being conducted, the investigator remains outside the outlet. In those situations, the investigator makes every effort to observe the youth from the outside of the outlet.

- **Besides what is specified in the State youth access tobacco law, explain whether the State has other legal or procedural requirements regarding how inspections are to be conducted (i.e., age of minor, time of inspections, training that must occur)?**

Fifteen, sixteen, and seventeen year old minors were used for compliance checks. Youth inspectors younger than 14 and older than 17 are not used for compliance checks.

- **Describe specific legal or procedural requirements the State has instituted to address the issue of minor's immunity when conducting inspections.**

No grant of immunity need be obtained for the children to participate in tobacco purchases because it is not against the state law for any child to possess tobacco.

- **Describe specific legal or procedural requirements the State has instituted to address the issue of child safety.**



When possible, investigators are required to accompany the youths into the stores where tobacco is sold. In addition, investigators are directed not to conduct an inspection if they observe any law enforcement activity or any activity that may be a threat to the safety of the youth (e.g. illegal drug purchases). Further, the WE CARD congratulatory card and lapel pin are not distributed if there is any possible threat to the safety of the under age youth.

## **SECTION II**

### **FFY 2003 (Intended Use):**

**In 2-5 pages, describe the State's plans to achieve the interim target rate for FFY 2003 (Part 96.130 (e) (4)). Ensure the following specific items are addressed in your description of activities and/or changes that are planned.**

- **Sampling methodology.**

No sampling methodology changes are planned.

- **Inspection protocol.**

No inspection protocol changes are planned.

- **Legislative actions and/or regulatory changes.**

The Attorney General's Office is planning to submit a bill banning all cigarette machines from public places except for establishments where no minors are allowed.

- **Law enforcement.**

No new law enforcement activities are planned.

- **Activities that support law enforcement such as, merchant education, community education, media use, community mobilization.**

In July, 2002, the Attorney General's Office sent a letter to every justice of the peace who sentences defendants under the state law that prohibits the sale of tobacco to minors. That letter provided the internet address of the free training available through the WE CARD program. It urged each justice of the peace to order every person pleading guilty or found guilty to complete the internet training and present proof of completion to the court.

### **Describe the State's strengths and challenges it faces in complying with the Synar requirements.**

The Attorney General's Office has worked with the Las Vegas and unincorporated Clark County Justice Courts so that the courts would not require the presence of a deputy attorney general at each arraignment (entry of plea) and the courts could impose any fine they choose (\$0 to \$ 500). The reason for this is that the Chief Tobacco Counsel has his office in Reno, which is 400 miles from Las Vegas. Generally, this has resulted in no fine being imposed by the justice court in those jurisdictions. These jurisdictions contain over 50% of the population of the state. The Attorney General's Office will be proposing

to these courts that a nominal fine (\$50) be imposed to further reduce the non-compliance rate in these areas. In addition, a Las Vegas Deputy Attorney General will begin attending all arraignments on these charges to assure that a recommendation for some fine is made by the prosecution.

The Attorney General's Office maintains a presence among retailers by conducting compliance checks twice every year to all retail outlet that sell tobacco and are accessible to minors. The uniformity of these inspections assures businesses that they are being treated fairly, and reminds retail staff that there are consequences for selling tobacco products to minors. The dedication of the Attorney General's Office in enforcing the Synar regulations has significantly reduced the youth buy rate this year.

**Describe any administrative or legal constraints on regulation and enforcement.**

Please refer to question 5 above.

**Describe the level of public support for inspections, enforcement, and public policy efforts.**

The program is strongly supported by the retail community and public in general as discussed above.